

IC 31-34-18

Chapter 18. Predispositional Report

IC 31-34-18-1

Predispositional report; recommendation of care, treatment, or rehabilitation of child; alternative reports

Sec. 1. (a) Upon finding that a child is a child in need of services, the juvenile court shall order a probation officer or a caseworker to prepare a predispositional report that contains a:

- (1) statement of the needs of the child for care, treatment, rehabilitation, or placement; and
- (2) recommendation for the care, treatment, rehabilitation, or placement of the child.

(b) Any of the following may prepare an alternative report for consideration by the court:

- (1) The child.
- (2) The child's:
 - (A) parent;
 - (B) guardian;
 - (C) guardian ad litem;
 - (D) court appointed special advocate; or
 - (E) custodian.

As added by P.L.1-1997, SEC.17. Amended by P.L.55-1997, SEC.14.

IC 31-34-18-1.1

Consultation with experts; participants in conference

Sec. 1.1. (a) The person preparing the report under section 1 of this chapter:

- (1) may; or
- (2) if directed by the court, shall;

confer with individuals who have expertise in professional areas related to the child's needs in the areas of appropriate care, treatment, rehabilitation, or placement for a child in need of services.

(b) A conference held under this section may include representatives of the following:

- (1) The child's school.
- (2) The probation department.
- (3) The county office of family and children.
- (4) A community mental health center located in the child's county of residence.
- (5) A community mental retardation and other developmental disabilities center located in the child's county of residence.
- (6) Other persons as the court may direct.

As added by P.L.55-1997, SEC.15.

IC 31-34-18-1.2

Mandatory attendance of child's school representative at conference

Sec. 1.2. If a child in need of services is known to be eligible for special education services or placement under IC 20-35 and 511 IAC

7, the conference described in section 1.1 of this chapter must include a representative from the child's school.

As added by P.L.55-1997, SEC.16. Amended by P.L.1-2005, SEC.204.

IC 31-34-18-1.3

Reports by meeting participants

Sec. 1.3. (a) The individuals participating in a meeting described in section 1.1 of this chapter shall assist the person preparing the report in recommending the care, treatment, rehabilitation, or placement of the child.

(b) The individuals shall inform the person preparing the report of resources and programs that are available for the child.

As added by P.L.55-1997, SEC.17.

IC 31-34-18-2

Predispositional report; participation by parent, guardian, or custodian; out-of-home placement with blood or adoptive relative caretaker

Sec. 2. (a) In addition to providing the court with a recommendation for the care, treatment, or rehabilitation of the child, the person preparing the report shall consider the necessity, nature, and extent of the participation by a parent, guardian, or custodian in a program of care, treatment, or rehabilitation for the child.

(b) If a probation officer or caseworker believes that an out-of-home placement would be appropriate for a child in need of services, the probation officer or caseworker shall consider whether the child should be placed with the child's suitable and willing blood or adoptive relative caretaker, including a grandparent, an aunt, an uncle, or an adult sibling, before considering other out-of-home placements for the child.

As added by P.L.1-1997, SEC.17.

IC 31-34-18-3

Financial reports

Sec. 3. The probation officer or caseworker shall also prepare a financial report on the parent or the estate of the child to assist the juvenile court in determining the person's financial responsibility for services provided for the child or the person.

As added by P.L.1-1997, SEC.17.

IC 31-34-18-4

Recommendation on care, treatment, rehabilitation, or placement

Sec. 4. If consistent with the safety and best interest of the child and the community, the person preparing the report shall recommend care, treatment, rehabilitation, or placement that:

(1) is:

(A) in the least restrictive (most family like) and most appropriate setting available; and

(B) close to the parents' home, consistent with the best

- interest and special needs of the child;
- (2) least interferes with family autonomy;
- (3) is least disruptive of family life;
- (4) imposes the least restraint on the freedom of the child and the child's parent, guardian, or custodian; and
- (5) provides a reasonable opportunity for participation by the child's parent, guardian, or custodian.

As added by P.L.1-1997, SEC.17. Amended by P.L.55-1997, SEC.18.

IC 31-34-18-5

Examinations

Sec. 5. The juvenile court may do the following:

- (1) Authorize any examination of the child under IC 31-32-12.
- (2) Make provision for similar examination of the parent, guardian, or custodian if the person gives consent.

As added by P.L.1-1997, SEC.17.

IC 31-34-18-6

Disclosure

Sec. 6. (a) Predispositional reports shall be made available within a reasonable time before the dispositional hearing, unless the juvenile court determines on the record that the reports contain information that should not be released to the child or the child's parent, guardian, or custodian.

(b) The court shall provide a copy of the report to:

- (1) each attorney, guardian ad litem, or court appointed special advocate representing the child; and
- (2) each attorney representing the child's parent, guardian, or custodian.

(c) The court may provide a factual summary of the report to:

- (1) the child; or
- (2) the child's parent, guardian, or custodian.

As added by P.L.1-1997, SEC.17. Amended by P.L.197-1997, SEC.27.

IC 31-34-18-6.1

Predispositional report; contents

Sec. 6.1. (a) The predispositional report prepared by a probation officer or caseworker shall include the following information:

- (1) A description of all dispositional options considered in preparing the report.
- (2) An evaluation of each of the options considered in relation to the plan of care, treatment, rehabilitation, or placement recommended under the guidelines described in section 4 of this chapter.
- (3) The name, occupation and position, and any relationship to the child of each person with whom the preparer of the report conferred as provided in section 1.1 of this chapter.

(b) If a probation officer or a caseworker is considering an out-of-home placement, including placement with a blood or an

adoptive relative caretaker, the probation officer or caseworker shall conduct a criminal history check (as defined in IC 31-9-2-22.5) for each person who:

- (1) is currently residing in the location designated as the out-of-home placement; or
- (2) in the reasonable belief of the probation officer or caseworker, is expected to be residing in the location designated as the out-of-home placement during the time the child would be placed in the location.

The results of the criminal history check must be included in the predispositional report.

(c) A probation officer or caseworker is not required to conduct a criminal history check under this section if:

- (1) the probation officer or caseworker is considering only an out-of-home placement to an entity or facility that:
 - (A) is not a residence (as defined in IC 3-5-2-42.5); or
 - (B) is licensed by the state; or
- (2) placement under this section is undetermined at the time the predispositional report is prepared.

As added by P.L.55-1997, SEC.19. Amended by P.L.70-2004, SEC.19; P.L.234-2005, SEC.181.